

Abstract

The issue of causality in the suits for damages

The subject of this thesis is the issue of causality in disputes relating to compensation for damage to health. Causation is a considerably miscellaneous institute, therefore, this paper deals with various aspects of this topic and its context. The writing focuses on cases in which damage was caused to health through providing health services, as this legal field is characterized by many specifics from other areas of liability.

Firstly, the thesis aims at explanation of the concept of causation, its importance and development not only in law but also in other areas of human activity. Subsequently, the attention is focused on the significance of causation in law; after theories of causation are compared, its substantial features are described in comparison to the other elements of liability.

Consequently, the work concentrates on processes through which the causal link is determined, on the selection of relevant causes and consequences and the relationship between them in cases involving their plurality. It does not forget to mention the importance of causation in the context of strict liability, particularly in its specific cases relating to the provision of health services.

The core of this work is the issue of causation in disputes in which the injured patient seeks the other party for refund of the injury suffered through health care. It involves introduction of methods invented by legal practice to facilitate the patient's difficult situation caused by the lack of relevant knowledge, specificity of evidence and unpredictability of processes relating to the human body.

The final part is dedicated to the causality's role in situations when harm was caused by medical intervention, for which the patient had not given an informed consent.

Within the frame of the whole thesis, regulation of related institutes in selected European countries is compared. Changes brought by the new regulation of Czech private law into this sphere are also reflected.